THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.8171 of 1996

Date:14.02.2006

Between:

G.Mallamma

-------PETITIONER

AND

The Mandal Revenue Officer, Saroornagar and another.

---------RESPONDENTS

ORDER:

The petitioner was allotted a house site in plot No.43, admeasuring 100 Sq.yards in Sy.No.9/1 of Saroornagar Village and Mandal on 23.05.1985 by the second respondent. An area known as N.T.R. Nagar was developed at that place. On the strength of the allotment, the petitioner constructed a house. She has filed the copies of electricity bills, election identity card and residential certificate, which referred to the house of the petitioner, which was assigned H.No.14-1/415. This writ petition is filed alleging that the respondents are trying to interfere with the peaceful possession and enjoyment of the petitioner over the said premises.

Though ten years have elapsed, the respondents have not chosen to file any counter-affidavit.

Heard the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition.

From a perusal of the patta certificate, dated 23.05.1985, it is evident that the petitioner was assigned plot No.43, admeasuring 100 Sq.yards. The first respondent himself issued a residential certificate, dated 15.03.1995, which discloses that the petitioner is living in the house constructed on the said plot with H.No.14-1/415.

As long as the patta in favour of the petitioner subsists, the respondents are not entitled to interfere with the possession of the land or the construction thereon. In case the petitioner had violated the terms of the patta or committed any irregularity, it is always open to the respondents to pass a reasoned order and take necessary action. Without having recourse to such a procedure, the respondents cannot act unilaterally.

For the foregoing reasons, the writ petition is disposed of directing that the respondents shall not interfere with the possession and enjoyment of the petitioner over the house constructed in plot No.43 of Sy.No.9/1 of Saroornagar Village and Mandal, without passing any written order and without following the procedure prescribed by law. There shall be no order as to costs.

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14.02.2006

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